IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 5359 of 2007(K)

PETITIONER:

RADHA BALAN, AGED 54 YEARS,
W/O.LATE BALAN, VAZHAKALAYIL COLONY,
THODUPUZHA.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SMT.LAKSHMI.N.KAIMAL
SRI.V.SHYAMOHAN
SRI.PRABHU VIJAYAKUMAR

RESPONDENTS:

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1. THE C.I. OF POLICE,
THODUPUZHA POLICE STATION.

2. THE S.I. OF POLICE,
THODUPUZHA POLICE STATION.

3. OMANA, AGED 45 YEARS,
D/O.KUNJIPENNU, PUTHENVEETIL,
PADINJAREKODIKULAM, LAKSHAM VEEDU,
AIRAMPALLY, THODUPUZHA TALUK.

4. KUNJIPENNU, PUTHENVEETIL,
PADINJAREKODIKULAM, LAKSHAM VEEDU,
AIRAMPALLY, THODUPUZHA TALUK.

5. PADMAKSHI, D/O.KUNJIPENNU,
ADOOR.

6. LALITHA, D/O.KUNJIPENNU,
PUTHENVEETIL, PADINJAREKODIKULAM,
LAKSHAM VEEDU, AIRAMPALLY, THODUPUZHA TALUK.

7. PRABHAKARAN, S/O.KUNJIPENNU,
PUTHENVEETIL, PADINJAREKODIKULAM,
LAKSHAM VEEDU, AIRAMPALLY, THODUPUZHA TALUK.

BY G.P. SRI.S.U. NAZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO. 5359 OF 2007-K

Dated this the 28th day of February, 2007

JUDGMENT

The grievance of the petitioner is that her elder son - Sajeev, is found to be missing and the police are not taking any action on her complaint that her son is missing. The learned Public Prosecutor was directed to take instructions. The learned Public Prosecutor submits that the son of the petitioner is an accused in a prosecution under Sec.498A of the IPC. He faces indictment in that prosecution along with two others. He is the 1st accused and a woman by name Omana, is the 2nd accused. Final report has already been filed. The third accused has already been tried and acquitted in C.C.No.206/04. The case against the petitioner's son and the said Omana has been split up and has been re-filed as C.C.No.692/05. As those accused are absconding, the case has been transferred to the list of Long Pending Cases and remains on the file as L.P.No.3/06 before the learned Chief Judicial Magistrate, Thodupuzha. It is not a case where the

son of the petitioner missing, but he is absconding and is not appearing as an accused in L.P.No.3/06, submits the learned Public Prosecutor. Even the complaint Ext.P1 shows clearly that it is not a case of the petitioner's son missing; but he is allegedly found to be living in adultery along with the said Omana. In these circumstances, I do not find any merit in the grievance that no crime has been registered or investigation conducted into the alleged missing of Sajeev – son of the petitioner. He is absconding to avoid the prosecution against him, it is evident.

2. But I must mention that I am shocked to note the manner in which the police have conducted themselves and had not made any serious attempt to arrest the accused persons who are absconding and the case against whom is transferred to the list of Long Pending Cases. I need, in these circumstances, only direct the Superintendent of Police, Idukki, to ensure that the son of the petitioner who is the accused in L.P.No.3/06 pending before the learned Chief Judicial Magistrate, Thodupuzha, is arrested at the earliest and produced before the learned

Magistrate. The learned Public Prosecutor shall convey these directions to the Superintendent of Police, Idukki.

3. With the above observations/directions, this writ petition is dismissed. Compliance shall be reported to this Court.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge